IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 5978 of 2006

DATED: 27-03-2006

Between:

The Depot Manager,

APSRTC,

Bus Depot-Contonment

Secunderabad petitioner

And

K.V.Santhosh Kumar S/o. Yellaiah

H No. 1692, Risala Bazar, Bolaram,

Secunderabad and another Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.5978 of 2006

ORAL ORDER:

The present writ petition is filed by the APSRTC questioning the award dated 11.34.2005 in I.D. No. 19 of 2004 on the file of the Industrial Tribunal cum Labour Court, Hyderabad .

The first respondent is a driver working with the petitioner corporation. A charge sheet dated 26.4.1999 was issued to him alleging negligent driving of vehicle bearing No.AEZ 5468 on 23.3.1999 resulting in death of a pedestrian. Being not satisfied with the explanation offered by the first respondent/workman, an enquiry was ordered and basing on the enquiry report dated 3.9.1999 a show cause notice was issued to the workman and ultimately he was removed from service by order dated 27.11.1999. After exhausting the remedies of appeal and revision, the workman raised an industrial dispute in I.D. No. 19 of 2004. The Labour Court on consideration of the matter passed an award dated 11.4.2005. The operative portion of the award reads as under;

> *"Award is passed setting aside the order of removal from service passed against the petitioner on 23.12.1999, confirmed in the appeal on 21.6.2000 and thereafter in the revision on 10.2.2004. The respondent is directed to reinstate him into service with continuity of service and all attendant benefits. The petitioner is entitled to back wages upto the date of order of appeal i.e, 21.6.2000. He is not entitled to any back wages from that dated 21.6.2000 the order of appeal, to 16.5.2003 on which date he filed the revision. Thereafter from that date he is entitled to full backwages. Both parties are directed to bear their own costs."*

Questioning the said award, the management/APSRTC filed the present writ petition on the ground that the Labour Court has not considered the evidence available on record and erred in setting aside the removal order and directing reinstatement into service with continuity of service and all attendant benefits.

Heard the learned counsel for petitioner and learned Government Pleader for Labour and perused the award under challenge.

It is now well settled that the once a domestic tribunal based on evidence comes to a particular conclusion, normally it is not open to the appellate Tribunals and Courts to substitute their subjective opinion in the place of the one arrived at by the domestic tribunals. In the present case, the Labour Court after going into minute details of the matter held that the findings of the enquiry officer are not based on any material evidence and there is no evidence to accept that the petitioner was either negligent or that there was lack of anticipation on his part and ordered reinstatement with continuity of service with all attendant benefits. The petitioner-management has not made out any case warranting interference of this Court and to take a different

view than that of the Labour Court. The award of the Labour Court needs no interference.

Accordingly, the writ petition is dismissed. No costs.

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N.V.RAMANA,J

DATE:27.03.2006

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